

Memo

To: ADLC Board of Commissioners
From: Medical Marijuana Task Force
Date: September 13, 2010; revised Sept. 17, 2010
Re: Task Force recommendations

Since June 10 of this year, the Commission-appointed Medical Marijuana Task Force has conducted seven separate work sessions to identify and explore the medical marijuana related issues now confronting Anaconda-Deer Lodge County. Over the past three months, the Task Force has:

- adopted a purpose and mission statement to guide its work
- identified a very wide range of issues from public health and safety, to law enforcement, building and mechanical codes, landlord/building owner rights, and land use/DPS
- entertained a presentation on medical marijuana issues and hazards by Mark Long of the Montana Department of Justice.

The final two work sessions were devoted to finalizing the Task Force's recommendations to the Board of County Commissioners. This is a four-part recommendation as follows:

- 1. Public Information Brochures-** The Task Force has concluded that many of the issues associated with medical marijuana are best addressed through public information and education. Therefore, the Task Force recommends that the County produce and disseminate two free brochures, one of which will primarily target homeowners and landlords, and another intended for medical marijuana caregivers. The brochure aimed at homeowners and landlords would contain information on the following:
 - A summary of the Montana Medical Marijuana Act (MMMA)
 - Links to the ADLC, MCA, and DPHHS web sites for information on medical marijuana
 - Landlord guidance and rights
 - Electric power needs for growing marijuana, including an explanation that a simple grow light can draw enough amps that the household amperage can be exceeded; recommendation to consult a licensed electrician to assess household wiring prior to installing a grow light.
 - Ventilation issues; mold

- Fire hazards; closeness of the houses in most of Anaconda; recommendations for surge protectors, fire extinguishers, locating ballasts away from water pipes, etc.
- Available resources such as fire prevention.

The caregivers brochure will include some of the same information as above regarding electric power needs, ventilation, and fire hazards. It will also contain business license requirements, a summary of DPS provisions (below), and a request to report any potentially hazardous devices such as propane or CO2 tanks, ballasts, etc., to the local emergency response center for inclusion in the E-911 attribute data. (See number 3. below.)

2. Development Permit System (DPS) amendments- The Task Force has set forth a number of recommendations that must be addressed through amendments to the DPS. As the Task Force recommends that no ordinances or other restrictions be placed on bona fide medical marijuana patients (other than those already in the MMMA), all DPS amendments will relate to caregiving and the growing and processing of medical marijuana.

- No caregiving will be allowed in the residential development districts of Anaconda (MDRD, LDRD, HDRD) except for a caregiver having no more than two patients residing within the caregiver's household. Beyond the two patients living within the caregiver's household, caregiving will be considered a business, but will **not** be classified as a legal home occupation.
- As caregiving will be a change of land use in the rural development districts for which no use table has been adopted (West Valley, Lost Creek, Georgetown Lake, Opportunity, etc.), it may be applied for through the Major Development Permit process. This requires a public hearing and public notice, thereby affording procedural due process to neighbors. The Major Development Permit is an existing permit with a review process already established in the DPS, and therefore, no DPS amendment is necessary.
- The Task Force recommends that "dispensaries" not be allowed until such time as the Legislature provides additional guidance in the 2011 session. Therefore, no medical marijuana "storefronts" would be allowed in the Central Business (CBDD) or Highway Commercial (HCDD) districts, and a DPS amendment will be needed to make this clear.
- The growing and processing of medical marijuana would be allowed as a special use in the industrial districts without any further code amendments. But again, no "storefronts" would be allowed. Caregivers would be able to deliver marijuana to their patients for which they hold cards.
- Neither the growing nor processing of medical marijuana is currently allowed in the Railroad Transitional Development District.
- Add fencing standards to the DPS. At present, the DPS contains no standards for fencing or retaining walls----not even a standard that would keep a tall fence out of a

corner visibility triangle at a street corner. The tie to medical marijuana is based on the testimony that was given by a woman from Deer Lodge when the urgency measure was approved. She testified that someone in her neighborhood had erected a high fence topped with barbed wire to protect growing marijuana plants.

- 3. Coordination of Emergency Service Information-** A marijuana growing operation---even a small one---can pose hazards to emergency service providers in the event of a fire, flood, or even a police call. Propane and CO2 tanks, ballasts that hold an electrical charge for hours after being switched off, special electrical wiring, can all be hazardous to a fireman, EMT, or police officer who does not have prior knowledge that they are on site. ADLC staff members are arranging a coordination session with the County dispatch supervisor so that information about potential hazards collected through routine safety inspections and permitting can be posted as attribute data in the E-911 system. This should mean that emergency responders will know instantly what hazards may be on site, and where they are located, as soon as the call for service is received.
- 4. Use of Existing Permitting and Inspection Systems-** The Task Force recommends that the County not ‘reinvent the wheel” for permitting and inspections. The business license system is already up and running, and even includes a safety inspection for those properties within the Anaconda Fire District. Also, the County already administers the International Building Codes, so inspections would take place pursuant to a building permit. Plumbing, electrical, and mechanical permits are not handled by the County, but are administered through the Montana Department of Labor and Industries. Staff contacted the Building Codes Division, and officials there verified that they are ready to perform inspections for medical marijuana operations in Anaconda-Deer Lodge County, and have already inspected and permitted other large-scale growing operations around the state.